

FILED

U.S. DISTRICT COURT
EASTERN DIST. TENN.
BY [Signature] DEP. CLERK

3:00 - CV - 692.

Civil Action No.

Collier/Murrian

Defendants

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state law aspects of the questions here presented under 28 U.S.C. §§ 1347.

2. Decedent Sonya Denise Phillips died while in the custody of defendant Roane County while incarcerated at the Roane County Jail in Kingston, Tennessee. She was detainee and had not been convicted nor sentenced. Decedent had been severely ill for several days prior to her death on December 9, 2000. The decedent was placed in an all concrete cell four days prior to her death after she began complaining of being constipated. The water was turned off in the concrete cell so that jail officials could verify that the decedent was in fact constipated. After decedent was seen coughing up blood on December 9, 2000, the Roane County Ambulance Service assessed decedent's need for medical care. Decedent was not taken to see a doctor. Several hours after the denial of a medical doctor's assessment, Sonya Phillips died.

3. Carolyn Phillips is the mother, next friend and custodian of decedent Sonya Phillips' minor children: Shumai'kee Phillips, Tashanti Phillips, and Tahiji Phillips.

4. The conduct, practices, policies and/or procedures as applied to decedent amount to deliberate indifference to a serious medical need and caused Sonya Phillips' death.

5. Defendant Faye Hall is sued in both her official and individual capacities. Her conduct was of such wanton and willful character that punitive damages are warranted.

6. Defendant David Haggard is sued in his official capacity only.

7. During all times pertinent to the events that led to this Complaint, the Defendants, David Haggard, and Faye Hall, were acting under the color of law.

CLAIMS FOR RELIEF

SUBSTANTIVE DUE PROCESS CLAIM

8. Plaintiffs' Fourteenth Amendment rights were violated by defendant jail officials' deliberate indifference to Sonya Phillips' medical needs. The actions of defendants denied Sonya Phillips "appropriate treatment" and caused her death.

9. Plaintiffs seek all relief available 42 U.S.C. 1983 et seq. including but not limited to other damages for wrongful death recoverable under T.C.A. 20-5-113.

INJUNCTIVE AND DECLARATORY RELIEF

10. Plaintiffs ask for declaratory relief against defendants that practices applied to decedent were unconstitutional and ask that the court enjoin these officials from further such conduct.

STATE LAW NEGLIGENCE

11. Plaintiffs further sue defendants under state law for negligence and negligent supervision and training, and allege that such negligence was a proximate cause of plaintiffs' injuries.

12. Plaintiffs allege that the court has pendant jurisdiction to hear such claims.

13. Plaintiffs aver that the decedent was 29 years of age when she died, had a capacity to earn money in any art, trade or profession, had good personal habits for industry, had good personal habits for sobriety, and had established earning capacity. Plaintiff Carolyn Phillips has
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incurred medical and funeral expenses; as next of kin, she brings this action for the mental and physical suffering of Sonya Phillips, necessary expenses, and other damages for wrongful death recoverable under T.C.A. 20-5-113. In addition, plaintiff avers that she, along with Shumai'kee Phillips, Tashanti Phillips, and Tahiji Phillips, as the daughters and heirs of Sonya Phillips, suffered loss of the consortium or society of the deceased, which included not only the tangible benefits but also those intangible benefits received from a mother and daughter, such as attention, guidance, care, protection, training, companionship, affection, solace and love.

PUNITIVE DAMAGES AGAINST FAYE HALL

14. Plaintiffs allege that the conduct of Faye Hall is of such a wanton and reckless nature as to warrant punitive damages, under both State and Federal law.

15. Furthermore, due to the Defendant Faye Halls' reckless, intentional, malicious, and/or criminal behavior, the Plaintiff seeks punitive damages in the amount that a jury finds.

Wherefore, the Plaintiffs sue the Defendants for compensatory damages in the amount of five million dollars (\$5,000,000.00) and punitive damages for wanton, willful, intentional, malicious, and/or criminal behavior in the amount of five million dollars (\$5,000,000.00) and demands a jury to try the case. The Plaintiffs sue the Defendants for any general damages not specified within the Complaint.

Respectfully submitted, this 20 day of December 2000.



David C. Lee, TN Bar # 015217

LEE, LEE & LEE
Lee Building
602 South Gay Street; Suite 905
Knoxville, TN 37902
Phone: (865) 544-0101
Fax: (865) 544-0536

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